

REMARKS

Claims 1, 24, 25, 28-32, 57 and 39 -44 have been withdrawn. Claims 2, 5, 26, 27, and 51-56 have also been withdrawn. Applicant respectfully disagrees with the Examiner's classification, and reserves the rights to traverse the Examiner's restriction requirement, and show that these claims cover the same invention as the elected claims.

Although, non-elected, duplicated claim 32 previously renumbered as claim 57 has been moved to its proper ordinal position following claim 56, to overcome the Examiner's objection.

Of the elected claims, claims 9, 20, 33 and 45 have been amended. The amendments are entered to address a number of informalities and clarify the claim language to provide the coverage to which Applicant is entitled. The amendments are not entered to overcome the prior art. All amendments are fully supported by the original disclosure. No new matter has been introduced.

Claims 9-15, 18, 20-21, 23, 33-38, and 45-50 are now pending.

Claims 9, 33, and 45 stand objected to for failing to comply with the written description requirement. Applicant respectfully disagrees.

"The written description requirement has several policy objectives. "[T]he 'essential goal' of the description of the invention requirement is to clearly convey the information that an applicant has invented the subject matter which is claimed." *In re Barker*, 559 F.2d 588, 592 n.4, 194 USPQ 470, 473 n.4 (CCPA 1977) cert. denied, 434 U.S. 1064 (1978). [See also MPEP sec 2163.]

With respect to the "separate and independent operation" of Meta Data Server 103 and the Media Data Servers 109, 115, 121 and 127, Applicant has clearly

conveyed the information in numerous places in the instant disclosure. For example, in the Summary of The Invention section (page 3, lines 30-33), where Applicant described that one of the advantages of Applicant's system is the fact that media data owner is provided with "greater control over the use of the media data files ... by allowing the media data owner to operate and maintain their own media data file servers."

With respect to the Media Data Servers 109, 115, 121 and 127 not being monitored or having continuous communication with Meta Data Server 103, Applicant has also clearly conveyed the information throughout the entire disclosure, through the embodiments Applicant described. In all these embodiments Applicant described in detail, referencing 15 sheets of figures (Fig. 1, Figs. 2A-2E, and Fig 3A to 3G), with numerous connections and communications described for Meta Data Server 103 ad Client Device 106, and for Media Data Servers 109, 115, 121 and 127 and Client Device 106, nowhere in the specification and/or the drawings did Applicant illustrate and/or describe a connection and/or communication between Meta Data Server 103 and the Media Data Servers 109, 115, 121 and 127 (see e.g. Fig. 1). Accordingly, Applicant submits it is amply clear to one of the ordinary skill in the art that Applicant was describing a system where Meta Data Server 103 does not monitor or maintain continuous communication with the Media Data Servers 109, 115, 121 and 127.

Accordingly, Applicant was clearly in possession of the invention of the invention being claimed at the time of filing. Therefore, withdrawal of the written description objection is respectfully requested.

Claims 9, 33 and 45 stand rejected under sec 103(a) as being obvious in view of Chen and Jones combined. Applicant respectfully disagrees.

Claims 9, 33 and 45 includes the recitation that the media data servers are separate and independently operated from the meta data server(s). The independent operation includes without continuous observing by, and communicating with the meta data server. Thus, when viewed as a whole (as required by law), the invention being claimed requires a novel independent operation architecture for the meta and media servers. In contrast, Chen teaches the employment of meta servers and media servers that are tightly coupled, including the continuous monitoring of the media servers by meta servers (see e.g. col. 11, lines 1-3), and Jones teaches the serving of a media file (having meta data interleaved therein) from an integrated web server system (see e.g. Fig. 6). Thus, Chan and Jones does not teach or suggest the above discussed recitations of claims 9, 33 and 45, individually or in combination.

Therefore, for at least the above reasons, claims 9, 33 and 45 are patentable over Chan and Jones combined.

Claims 10-15, 23, 25, 35-38 and 47-50 stand rejected under sec 103(a) in view of Chen and Jones, and further in view of Hazra. Hazra does not remedy the above discussed deficiencies of Chen and Jones. Therefore, for at least the same reasons, claims 9, 33 and 45 remain patentable over Chen and Jones, even when combined in Hazra. Claims 10-15, 23, 25, 35-38 and 47-50 depend on either claim 9, 33 or 45, incorporating their recitations. Therefore, for at least the same reasons, claims 10-15, 23, 25, 35-38 and 47-50 are patentable over Chen, Jones and Hazra, individually or in combination.

Claims 18, 21 34 and 46 stand rejected under sec 103(a) in view of Chen and Jones, and further in view of Wiser. Wiser does not remedy the above discussed deficiencies of Chen and Jones. Therefore, for at least the same reasons, claims 9, 33 or 45 remain patentable over Chen and Jones, even when combined in Wiser. Claims 18, 21 34 and 46 depend on either claim 9, 33 or 45, incorporating their recitations. Therefore, for at least the same reasons, claims 18, 21 34 and 46 are patentable over Chen, Jones and Wiser, individually or in combination.

Claim 20 stands rejected under sec 103(a) in view of Chen and Jones, and further in view of Takahito. Takahito does not remedy the above discussed deficiencies of Chen and Jones. Therefore, for at least the same reasons, claim 9 remains patentable over Chen and Jones, even when combined in Takahito. Claim 20 depends on claim 9 incorporating its recitations. Therefore, for at least the same reasons, claim is patentable over Chen, Jones and Takahito, individually or in combination.

In view of the foregoing, Applicant respectfully submits that claims 9-15, 18, 20-21, 23, 33-38, and 45-50 are in condition for allowance. Early issuance of the Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages of fees to Deposit Account No. 500393.

Respectfully submitted,
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